

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

LYNN MORSE
Claimant

APPEAL NO. 20A-DUA-00940-SN-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE
DEVELOPMENT DEPARTMENT**

**OC: 10/18/20
Claimant: Appellant (1)**

PL 116-136, Sec. 2102 – Federal Pandemic Unemployment Assistance

STATEMENT OF THE CASE:

On November 10, 2020, Claimant filed an appeal from the assessment for Pandemic Unemployment Assistance (PUA) benefits dated November 6, 2020, which held claimant ineligible for PUA benefits. After due notice, a telephone conference hearing was scheduled for and held on December 29, 2020 at 8:00 a.m. Claimant participated. The record consists of claimant's testimony. Judicial notice was taken of the administrative records.

ISSUE:

Whether the claimant is eligible for Pandemic Unemployment Assistance benefits?

FINDINGS OF FACT:

The administrative law judge, having heard the testimony of the witnesses and having considered all of the evidence in the record, makes the following findings of fact:

The claimant worked as a full-time contract specialist for Conference Event Management from October 16, 2018 to December 9, 2019. On December 9, 2019, Conference Event Management decided it would replace the claimant's position with independent contractors.

In mid-March 2020, the claimant applied for a conference management job with the Enterprise Event Group. In April 2020, the claimant was scheduled to have a third interview for this position. On the day of the third interview, the claimant was told that the job would not be filled due to Covid19.

In mid-March 2020, the claimant applied for a job at CWT M&E Global. The claimant was invited to sit for an interview in mid-March 2020. At the interview, the claimant was told CWT M&E was implementing a hiring freeze due to Covid19, so they would not be filling the position.

The claimant worked as a part-time Census numerator from July 2020 to late-October 2020. The claimant received three to 15 hours a week in this position. The claimant's hourly wage was \$22.00 per hour. The Census terminated her employment in late-October 2020 because the period for conducting the work had ended.

The claimant started working for Album Health at the end of September 2020. In this role, the claimant worked approximately 15 to 20 hours per week. The claimant's hourly rate at this employer is \$24.00 per hour.

REASONING AND CONCLUSIONS OF LAW:

For the reasons set forth below, the Iowa Workforce Development decision dated October 23, 2020 that determined claimant was not eligible for federal Pandemic Unemployment Assistance (PUA) is affirmed.

The CARES Act was established to provide PUA benefits to qualified individuals who were not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation. PL 116-136 Section 2102(a), (b), (c), (d), and (h) provide as follows:

SEC. 2102. PANDEMIC UNEMPLOYMENT ASSISTANCE.

(a) DEFINITIONS. — In this section:

(3) COVERED INDIVIDUAL. — The term “covered individual”—

(A) means an individual who—

(i) is not eligible for regular compensation or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107, including an individual who has exhausted all rights to regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107; and

(ii) provides self-certification that the individual— (I) is otherwise able to work and available for work within the meaning of applicable State law, except the individual is unemployed, partially unemployed, or unable or unavailable to work because—

(aa) the individual has been diagnosed with COVID–19 or is experiencing symptoms of COVID–19 and seeking a medical diagnosis;

(bb) a member of the individual's household has been diagnosed with COVID–19;

(cc) the individual is providing care for a family member or a member of the individual's household who has been diagnosed with COVID–19;

(dd) a child or other person in the household for which the individual has primary caregiving responsibility is unable to attend school or another facility that is closed as a direct result of the COVID–19 public health emergency and such school or facility care is required for the individual to work;

(ee) the individual is unable to reach the place of employment because of a quarantine imposed as a direct result of the COVID–19 public health emergency;

(ff) the individual is unable to reach the place of employment because the individual has been advised by a health care provider to self-quarantine due to concerns related to COVID–19;

(gg) the individual was scheduled to commence employment and does not have a job or is unable to reach the job as a direct result of the COVID–19 public health emergency;

(hh) the individual has become the breadwinner or major support for a household because the head of the household has died as a direct result of COVID-19;
(ii) the individual has to quit his or her job as a direct result of COVID-19;
(jj) the individual's place of employment is closed as a direct result of the COVID-19 public health emergency; or
(kk) the individual meets any additional criteria established by the Secretary for unemployment assistance under this section; or
(ll) is self-employed, is seeking part-time employment, does not have sufficient work history, or otherwise would not qualify for regular unemployment or extended benefits under State or Federal law or pandemic emergency unemployment compensation under section 2107 and meets the requirements of subclause (l); and

(B) does not include—

(i) an individual who has the ability to telework with pay; or
(ii) an individual who is receiving paid sick leave or other paid leave benefits, regardless of whether the individual meets a qualification described in items (aa) through (kk) of subparagraph (A)(i)(l).

(b) ASSISTANCE FOR UNEMPLOYMENT AS A RESULT OF COVID-19. —

Subject to subsection (c), the Secretary shall provide to any covered individual unemployment benefit assistance while such individual is unemployed, partially unemployed, or unable to work for the weeks of such unemployment with respect to which the individual is not entitled to any other unemployment compensation (as that term is defined in section 85(b) of title 26, United States Code) or waiting period credit.

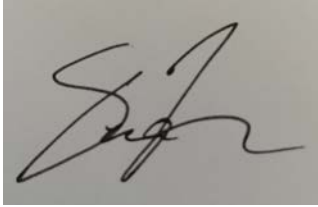
The claimant is still eligible for regular compensation. The claimant has not yet exhausted her regular unemployment compensation maximum benefit amount. So the claimant does not meet the first threshold of eligibility for PUA. Furthermore, the claimant cannot show she is currently unemployed due to one of the reasons listed in PL 116-136 Section 2102.

The claimant's regular employment ended prior to the Covid19 pandemic on December 9, 2020. Similarly, the claimant's separation from the Census was not caused by the Covid19 pandemic. As such, these separations from employment does not make her eligible under PL 116-136 Section 2102(a)(3)(A)(jj).

The claimant contends she is eligible for under PL 116-136 Section 2102(a)(3)(A)(gg) because she was pursuing several job offers in March 2020 that fell through. A firm job offer is what is being referenced in PL 116-136 Section 2102(a)(3)(A)(gg) because the language states the employment was "scheduled to commence." The word commence is synonymous with starting or beginning. Although claimant appears to have been close to obtaining a job from Conference Event Management by securing a third interview, she did not ever receive a firm job offer such that employment was scheduled to begin. Similarly, the claimant's first round interview with CWT M&E Global was not to the point she was scheduled to commence employment. She cannot show falls within the definition under PL 116-136 Section 2102(a)(3)(A)(gg). The claimant is not unemployed for any other reason listed in PL 116-136 Section 2102(a)(3)(A). Benefits are denied.

DECISION:

The claimant does not satisfy the eligibility criteria for PUA benefits. The assessment for PUA benefits dated November 6, 2020 is affirmed. PUA benefits are denied.

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'Sean M. Nelson'.

Sean M. Nelson
Administrative Law Judge
Unemployment Insurance Appeals Bureau
1000 East Grand Avenue
Des Moines, Iowa 50319-0209
Fax (515) 725-9067

January 28, 2021
Decision Dated and Mailed

smn/scn